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EXAMINER

PHAM, HUNG Q

ART UNIT PAPER NUMBER

2172

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/489,134

Applicant(s)

BAER ET AL.

Examiner

HUNG Q PHAM

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-99 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 6, 8-18, 20-27, 30-31, 36, 38-48, 50-57, 60-61, 66, 68-78, 80-87, and 90-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duwaer et al. [USP 5,959,627].**

Regarding to claims 1, 31, and 61, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). Duwaer does not explicitly teach the method comprising the step of: *presenting a plurality of selectable objects to a user, each object associated with a subset of the collection of content; in response*

to selection by a user of one or more of said objects, creating a compilation of the content associated with each selected object. However, as shown in FIG. 4 is a layout example of a compilation creation when Compilation Creation tab is selected. The selection field has fifteen attributes: type, performer, source, publisher, distributor, period, composer, conductor, genre, type of medium, soloist, instrument, ensemble, release date, and track name (Col. 3, line 40-Col. 4, line 10). The selecting has been effected by mousepointing and clicking on any of the lines in the attribute. Such clicking will suppress the display of all audio items that do not concord with the line so clicked. For example, clicking on "The Beatles" in the performer field will suppress all items that were not performed by this group. Further selecting by the mouse with respect to one or more other attributes may effectively restrict to displaying only one item (FIG. 5, Col. 4, lines 10-29). This indicates the step of *presenting a plurality of selectable objects to a user, each object associated with a subset of the collection of content.* Duwaer further discloses: if the selection has narrowed down to one single item, various effectivity control buttons become active, which has been indicated by highlighting thereof. Field 61 may further be used for displaying the full title of the audio item. Button 62 controls the adding of the selected item to the compilation, which clearly has been effected already. Button 64 controls the rendering of a sample of the selected item. Button 60 resets the system to the format of FIG. 4. Button 66 removes all items from the compilation list. Button 70 allows storing the result of the compilation operation: the user is thereupon prompted to give the compilation a name. Button 68 is used to remove a particular item from the compilation (Col. 30, lines 65). Thus, by selecting for narrowing down to one single item

as object, a compilation of the audio data as the content associated with each selected item as object is created by mousepointing and clicking on the appropriate button. This indicates the step of *in response to selection by a user of one or more of said objects, creating a compilation of the content associated with each selected object*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method by including the steps of presenting a plurality of selectable object, creating a compilation of the content associated with each selected object, and by doing this, the method, computer program, and the system allows a user to quickly recognize the item, and also allows to bridge any storage latency of background storage when the whole item must be reproduced.

Regarding to claims 6, 36, and 66, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses *the collection of content comprises hierarchically related data* (Fig. 7).

Regarding to claims 8, 38, and 68, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses *displaying to the user the selected objects in a predetermined order such that the user may rearrange the order of the selected objects as desired through a user interface* (FIG. 5, Add, Remove button).

Regarding to claims 9, 39, and 69, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer does not discloses the step of

defining a maximum amount of allowable content per volume of content; creating a plurality of volumes of content from the selected content based upon the defined maximum. However, as shown in FIG. 5., when a user wants to save the compilation in to a CD-ROM, a message for indicating the capacity of the CD-ROM is needed. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method by including the step of defining a maximum amount and creating a plurality of volumes of content in order to store a compilation of audio data.

Regarding to claims 10, 40, and 70, Duwaer teaches all the claimed subject matters as discussed in claims 9, 39, and 69, Duwaer further discloses the step of *displaying to the user the selected objects contained in each volume such that the user may selectably move an object from a first to a second of the volumes* (FIG. 5).

Regarding to claims 11, 41, and 71, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses the step of *receiving content input by a user, and creating a selectable object from the content* (FIG. 5, button 61).

Regarding to claims 12, 42, and 72, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses *the user may concurrently create a plurality of compilations* (FIG. 5, Track).



Regarding to claims 13, 43, and 73, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses the step: *after creation of the compilation, presenting the compilation to a user for modification* (FIG. 5).

Regarding to claims 14, 44, and 74, Duwaer teaches all the claimed subject matters as discussed in claims 13, 43, and 73, Duwaer further discloses the step of *creating a copy of the compilation, applying changes input by a user to the copy, and creating a new compilation therefrom* (FIG. 5).

Regarding to claims 15, 45, and 75, Duwaer teaches all the claimed subject matters as discussed in claims 13, 43, and 73, Duwaer further discloses the step: *the user may select an object for removal from the compilation* (FIG. 5).

Regarding to claims 16, 46, and 76, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses: *the user may select to clear the compilation* (FIG. 5).

Regarding to claims 17, 47, and 77, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses: *the user may select to undo an operation affecting the compilation* (FIG. 5).

Regarding to claims 18, 48, and 78, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses the step: *after creation of the compilation, of submitting the compilation to an approval process* (FIG. 6).

Regarding to claims 20, 50, and 80, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses: *the presenting step further comprises the step of presenting all of the content comprising the collection of content to the user as a plurality of selectable objects* (FIG. 4).

Regarding to claims 21, 51, and 81, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses: *the presenting step further comprises the step of presenting less than all of the content comprising the collection of content to the user as a plurality of selectable objects* (FIG. 5).

Regarding to claims 22, 52, and 82, Duwaer teaches all the claimed subject matters as discussed in claims 21, 51, and 81, Duwaer further discloses the step of *partitioning the collection of content into a plurality of categories, and presenting all content objects belonging to a category to a user* (FIG. 4-5).

Regarding to claims 23, 53, and 83, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses the step of *receiving search criteria input by the user; determining which of the subsets of the collection*

of content satisfy the search criteria; and presenting to the user a plurality of selectable objects corresponding to the subsets of content satisfying the search criteria (Col. 4, lines 30-41).

Regarding to claims 24, 54, and 84, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses: *at least one of the subsets of content is associated with one or more prerequisite subsets of content and upon selection by the user of a selectable object associated with the at least one subset, also including the associated prerequisite subsets of content in the created compilation* (FIG. 5).

Regarding to claims 25, 55, and 85, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses *a selectable object further comprises one of a container and a content entity* (FIG. 5).

Regarding to claim 26, 56, and 86, Duwaer teaches all the claimed subject matters as discussed in claim 25, 55, and 85, Duwaer further discloses the step of, *in response to selection of the container to add to a compilation, adding the selected container and any containers or content entities it contains to the compilation* (FIG. 5).

Regarding to claims 27, 57, and 87, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses *the selectable objects further comprise titles of their associated subsets of content* (FIG. 5).

Regarding to claims 30, 60, and 90, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). Duwaer does not explicitly teach the method comprising the step: *in response to selection of ones of the hierarchically related elements to include in a compilation, creating a compilation from the selected content entity*. However, as shown in FIG. 4 is a layout example of a compilation creation when Compilation Creation tab is selected. The selection field has fifteen attributes: type, performer, source, publisher, distributor, period, composer, conductor, genre, type of medium, soloist, instrument, ensemble, release date, and track name (Col. 3, line 40-Col. 4, line 10). The selecting has been effected by mousepointing and clicking on any of the lines in the attribute. Such clicking will suppress the display of all audio items that do not concord with the line so clicked. For example, clicking on "The Beatles" in the performer field will suppress all items that were not performed by this group. Further selecting by the mouse with respect to one or more other attributes may effectively restrict to displaying only one item (FIG. 5, Col. 4, lines 10-29). As shown in FIG. 7 is an exemplary hierarchical structure of the database. Duwaer further discloses: if the selection has narrowed down to one single item, various effectivity control buttons become active, which has been indicated by highlighting thereof. Field 61 may further be used for displaying the full title of the audio item. Button 62 controls the adding of the selected item to the compilation, which clearly has been effected already. Button 64 controls the rendering of a sample of the selected item. Button 60 resets the system to the format of FIG. 4. Button 66 removes all items from the compilation list. Button 70

allows storing the result of the compilation operation: the user is thereupon prompted to give the compilation a name. Button 68 is used to remove a particular item from the compilation (Col. 30, lines 65). Thus, by selecting for narrowing down to one single item as object, a compilation of the audio data as the content associated with each selected item as object is created by mousepointing and clicking on the appropriate button. This indicates the step: *in response to selection of ones of the hierarchically related elements to include in a compilation, creating a compilation from the selected content entity*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method by including the steps of creating a compilation of the content from the selected content entity, and by doing this, the method, computer program, and the system allows a user to quickly recognize the item, and also allows to bridge any storage latency of background storage when the whole item must be reproduced.

Regarding to claims 91, 94, and 97, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses: *the compilation of content is created automatically in response to the user selecting said one or more of said objects* (FIG. 5, Col. 4).

Regarding to claims 92, 95, and 98, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, Duwaer further discloses *the compilation of content is created by recording in a computer-readable structure defining the compilation,*

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for each selected object, a reference to the content entity associated with the selected object
(FIG. 6, Col. 4-5).

Regarding to claims 93, 96, and 99, Duwaer teaches all the claimed subject matters as discussed in claims 92, 95, and 98, Duwaer further discloses *the computer-readable structure defining the compilation in a custom content outline (CCO) containing the references that correspond to the selected objects, and wherein said references are identifiers of the content entities associated with the selected objects* (FIG. 6, Col. 4-5).

4. Claims 2-3, 29, 32-3, 59, 62-63, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Pajak et al. [USP 5,388,196], ksinclair.com [Free E-books You Can Download].

Regarding to claims 2, 32 and 62, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31 and 61, Duwaer further discloses *the collection of content comprises at least one of a collection of musical selection, and a video* (Duwaer, Col. 3, line 50-Col. 4, line 9, Col. 1, lines 25-45). Duwaer does not teach *the collection of content comprises at least one of a book, a document, an image*. Pajak teaches a method for representing a shared data object with related data bases in a hierarchy or multi-level mode and providing exclusivity or privacy to invoked changes to parts of the shared container type structured data object and related data bases also the capability of populating and querying the various objects within the container as well as within the

data base (abstract). Pajak further discloses a hierarchy of containers and documents containing structured data objects such as tables, fields, graphics, and data attachments with related databases that are shared and easily accessed (Pajak, Col. 1, lines 55-65) as *the collection of content comprises at least one of a document, an image*. Ksinclair.com has a website for e-book. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method by including document, image, book as taught by Pajak, and ksinclair.com in the collection of content in order to have a collaborative system of various kind of data.

Regarding to claims 3, 33 and 63, Duwaer, Pajak, and ksinclair.com teaches all the claimed subject matters as discussed in claims 2, 32 and 62, ksinclair.com further discloses *subsets of content comprise one of a chapter and sections of a text document* (ksinclair.com).

Regarding to claims 29, 59, and 89, Duwaer teaches all the claimed subject matters as discussed in claims 25, 55, and 85, Duwaer further discloses *the collection of content comprises at least one of albums, and videos* (Duwaer, Col. 3, line 50-Col. 4, line 9, Col. 1, lines 25-45). Duwaer does not teach *the collection of content comprises at least one of books, images*. Pajak teaches a method for representing a shared data object with related data bases in a hierarchy or multi-level mode and providing exclusivity or privacy to invoked changes to parts of the shared container type structured data object and related data bases also the capability of populating and querying the various objects

within the container as well as within the data base (abstract). Pajak further discloses a hierarchy of containers and documents containing structured data objects such as tables, fields, graphics, and data attachments with related databases that are shared and easily accessed (Pajak, Col. 1, lines 55-65) as *the collection of content comprises at least one of images*. Ksinclair.com has a website for e-book. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method by including images books as taught by Pajak, and ksinclair.com in the collection of content in order to have a collaborative system of various kind of data.

5. Claims 4-5, 7, 19, 28, 34-35, 37, 49, 58, 64-65, 67, 79, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duwaer et al. [USP 5,959,627] in view of ksinclair.com [Free E-books You Can Download].

Regarding to claims 4, 34, and 64, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, but fails to disclose *each selectable object is associated with a cost, and further comprising the step of calculating a cost for the created compilation based upon the costs of the selected objects*. Ksinclair.com has a website that presenting a plurality of e-books to a user and a user could open or download the e-book to the user site by selecting the title of an e-book. Ksinclair.com further discloses *each selectable object is associated with a cost* but fails to disclose the step of *calculating a cost for the created compilation based upon the costs of the selected objects*. However, a cost

for a created compilation is a service charge based on the cost of maintaining an object such as an e-book and could be calculated upon the cost of that e-book. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method by applying the cost of an object from ksinclair.com method and including the cost of created compilation based upon the cost of the object in order to maintain the system.

Regarding to claims 5, 35, and 65, Duwaer teaches all the claimed subject matters as discussed in claims 1, 31, and 61, but fails to disclose the step of *determining a content count for the compilation and determining a cost for the compilation based upon the content count*. Ksinclair.com has a website that presenting a plurality of e-books to a user and a user could open or download the e-book to the user site by selecting the title of an e-book. The downloadable ksinclair.com e-book has a table of content with a content count and a cost associated with the e-book (ksinclair.com). Thus the cost of the compilation for a particular chapter could be calculated based upon the content count. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method by applying the cost of an object from ksinclair.com method and including the cost of created compilation based upon the content count in order to maintain the system.

Regarding to claims 7, 37, and 67, Duwaer teaches all the claimed subject matters as discussed in claims 6, 36, and 66, Duwaer does not disclose *the collection of*

content comprises text documents and the subset of content associated with each selectable object comprises at least one of a chapter and a section. Ksinclair.com has a website for e-book that presenting a plurality of e-books to a user and a user could open or download the e-book to the user site by selecting the title of an e-book. The downloadable ksinclair.com e-book has a table of content including chapters and sections (ksinclair.com). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method by including e-books as selectable objects with associated chapters and sections in order collect and edit the content associated with an e-book as a selected object.

Regarding to claims 19, 49, and 79, Duwaer teaches all the claimed subject matters as discussed in claims 18, 48, and 78, Duwaer further discloses: *the approval process further comprises one of approving the compilation for publication; rejecting the compilation* (FIG. 6). Duwaer does not teach the step of *receiving editorial comments as input from a second user, and providing the compilation and editorial comments to the creating user*. Ksinclair.com has a website that presenting a plurality of e-books to a user and a user could open or download the e-book to the user site by selecting the title of an e-book. A user could send an email to Ksinclair.com for advising the author (ksinclair.com). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method by including the step of receiving editorial comments from a second user in order to have a more friendly-user system.

Regarding to claims 28, 58, and 88, Duwaer teaches all the claimed subject matters as discussed in claims 25, 55, and 85, but fails to disclose *containers are at least one of a book, a volume, and a chapter*. Ksinclair.com has a website for e-book that presenting a plurality of selectable objects as e-books to a user and a user could open or download the e-book to the user site by selecting the title of an e-book. The downloadable ksinclair.com e-book is a container that has a table of content including other containers such as chapters and sections. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Pajak method by including e-books as a container with associated containers such as chapters and sections in order collect and edit the content associated with an e-book as a selected object.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications. Any

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inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham
January 16, 2003



JEAN M. CORRIELLUS
PRIMARY EXAMINER